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Notice of Allowability

Application No.

10/797,993

Examiner

Allen C. Ho

Applicant(s)

HEUMANN ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 01 May 2006.
2. ☒ The allowed claim(s) is/are 1-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jessica Costa (Reg. No. 41,065) on 01 June 2006.

The application has been amended as follows:

Claim 21, line 1, "indirect measurement" has been replaced by --automated inspection--.

Allowable Subject Matter

2. Claims 1-43 are allowed.

3. The following is an examiner's statement of reasons for allowance:

With regard to claims 1-4, although the prior art discloses an indirect measurement system that comprises a sensor, a correction function processor, a reference map function processor, the prior art fails to disclose a correction function fitting procedure processor as claimed.

With regard to claims 5-8, the prior art fails to disclose a system that comprises a correction function fitting procedure processor as claimed.

With regard to claims 9-13, the prior art fails to disclose a method for calibrating a first indirect measurement system with respect to a second indirect measurement system, the method comprising the steps of obtaining measurement values of one or more calibration samples measured on the first indirect measurement system, and fitting the correction function based on the obtained measurement values of the one or more calibration samples and corresponding known reference values measured on or simulated for the second indirect measurement system as claimed.

With regard to claims 14-18, the prior art fails to disclose a computer readable storage medium embodying program instructions implementing a method for calibrating a first indirect measurement system with respect to a second indirect measurement system, the method comprising the steps of obtaining measurement values of one or more calibration samples measured on the first indirect measurement system, and fitting the correction function based on the obtained measurement values of the one or more calibration samples and corresponding known reference values measured on or simulated for the second indirect measurement system as claimed.

With regard to claims 19-23, although the prior art discloses an automated inspection system that comprises an imaging system utilizing a source of penetrating radiation and one or more sensors, a correction function processor, a reference map function processor, the prior art fails to disclose a correction function fitting procedure processor as claimed.

With regard to claims 24-29, the prior art fails to disclose a correction function fitting procedure processor as claimed.

With regard to claims 30-36, the prior art fails to disclose a method for calibrating a first automated inspection system with a second automated inspection system, the method comprising the steps of obtaining one or more features derived from one or more images of one or more calibration samples imaged on the first automated inspection system, and fitting the correction function based on the one or more features derived from the one or more images of the one or more calibration samples and corresponding reference features derived from one or more reference images imaged on the second automated inspection system as claimed.

With regard to claims 37-43, the prior art fails to disclose a computer readable medium embodying program instructions implementing a method for calibrating a first automated inspection system with respect to a second automated inspection system, the method comprising the steps of obtaining one or more features derived from one or more images of one or more calibration samples imaged on the first automated inspection system, and fitting the correction function based on the one or more features derived from the one or more images of the one or more calibration samples and corresponding reference features derived from one or more reference images imaged on the second automated inspection system as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

4. Applicant's arguments filed 01 May 2006 with respect to claims 1-18 have been fully considered and are persuasive. The rejections of claims 1-18 under 35 U.S.C. 112, first paragraph and second paragraph, have been withdrawn.

5. Applicant's argument filed 01 May 2006 with respect to claims 1-8 and 19-29 have been fully considered and are persuasive. The rejection of 1-8 and 19-29 under 35 U.S.C. 112, second paragraph, has been withdrawn.

6. Applicant's arguments filed 01 May 2006 with respect to claims 1, 4, 5, 7-9, 19, 21-24, 26-30, and 35 have been fully considered and are persuasive. The rejection of claims 1, 4, 5, 7-9, 19, 21-24, 26-30, and 35 under 35 U.S.C. 102(b) as being anticipated by Gusterson (U. S. Patent No. 6,347,131 B1) has been withdrawn.

7. Applicant's arguments filed 01 May 2006 with respect to claims 1-10, 12, 13, 19-31, and 33-36 have been fully considered and are persuasive. The rejection of claims 1-10, 12, 13, 19-31, and 33-36 under 35 U.S.C. 102(b) as being anticipated by Heumann (U. S. Patent No. 6,201,850 B1) has been withdrawn.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- (1) Wu *et al.* (U. S. Patent No. 6,848,827 B2) disclosed method and apparatus for calibrating detector spectral response.

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- (2) Urchuk *et al.* (U. S. Patent No. 6,148,057) disclosed an apparatus and method for calibrating detectors in a CT scanner.
- (3) Waltham (U. S. Patent No. 4,472,823) disclosed a computed tomography apparatus with detector sensitivity correction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen C. Ho whose telephone number is (571) 272-2491. The examiner can normally be reached on Monday - Friday from 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Allen C. Ho
Primary Examiner
Art Unit 2882

01 June 2006